IN THE DISTRICT COURT OF THE UNITED STATES FOR THE WESTERN DISTRICT OF NORTH CAROLINA ASHEVILLE DIVISION

CIVIL NO. 1:05cv282

TRANSYLVANIA COUNTY, a Body Politic of NORTH CAROLINA,	}
Plaintiff v))) ORDER
LINCOLN GENERAL INSURANCE COMPANY., A.M. ("Tony") DIGERONIMO NATIONAL SURETY SERVICES, INC.,)
Defendants.)

THIS MATTER is before the court upon the court's own motion. The court has examined the electronic file in regard to this matter and has discovered that the proposed Amended Complaint referenced in the plaintiff's Motion for Leave to Amend Complaint has not been electronically filed (#15). The plaintiff has filed an objection to the order of this court denying the plaintiff's Motion for Leave to Amend (#20 & 21) which the undersigned has considered to be a Rule 72(a) objection to the undersigned's January 21, 2006 order. The undersigned entered an order transferring this matter to the District Court, pursuant to such an objection (#24). It is the opinion of the undersigned that the District Court cannot rule upon the plaintiff's objection without the proposed Amended Complaint being electronically filed.

ORDER

IT IS THEREFORE ORDERED that the plaintiff shall file it proposed Amended Complaint with the Office of the Clerk on or before February 10, 2006.

Signed: February 9, 2006

Dennis L. Howell United States Magistrate Judge